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7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-60

13 **CHERYL GELFORD HOLLAND, aka**  
14 **CHERYL HOLLAND, aka**  
15 **CHERYL HEATHER GELFORD HOLLAND**  
8230 Rivera Court  
Springboro, Ohio 45066

**ACCUSATION**

16 Registered Nurse License No. 285796

Respondent.

17  
18 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the  
21 Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of  
22 Consumer Affairs.

23 **License History**

24 2. On or about November 30, 1977, the Board issued Registered Nurse  
25 License Number 285796 ("license") to Cheryl Gelford Holland, also known as Cheryl Holland  
26 and Cheryl Heather Gelford Holland ("Respondent"). The license will expire on August 31,  
27 2009, unless renewed.

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1 CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline)

3 8. Respondent is subject to disciplinary action under Code section 2761,  
4 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined  
5 by the Ohio Board of Nursing ("Ohio Board"). Pursuant to a Consent Agreement between  
6 Cheryl Holland, R.N., C.R.N.A. and the Ohio Board, effective November 21, 2008, the Ohio  
7 Board placed Respondent's Ohio Registered Nurse License No. RN-150206 on inactive status  
8 for a minimum period of six months and until Respondent meets the requirements for  
9 reactivation and obtains approval from the Ohio Board. Furthermore, upon reactivation, the  
10 license and Respondent's Registered Nurse Anesthetist Certificate of Authority No. NA-00855  
11 will be suspended indefinitely, with the suspension stayed and the license placed on probation  
12 with terms, conditions, and limitations, for a minimum of three years, including alcohol and drug  
13 screening. Respondent's Certificate of Authority to practice as a Certified Registered Nurse  
14 Anesthetist shall remain inactive for a period of six months following re-activation of  
15 Respondent's registered nurse license.

16 The circumstances underlying the discipline are that on April 2, 2008,  
17 Respondent entered into the Ohio Board's Alternative Program for Chemical Dependency.  
18 However, on  
19 June 23, 2008, Respondent had a positive screen for Ethyl Glucuronide at 457 ng/ml; on  
20 August 12, 2008, Respondent relapsed on alcohol; and, on August 22, 2008, Respondent was  
21 terminated from the Program based on her noncompliance with the terms and conditions of the  
22 Agreement.

23 A copy of the Consent Agreement is attached as **Exhibit A**, and incorporated  
24 herein.

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1 **PRAYER**


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 285796 issued  
5 to Cheryl Gelford Holland, also known as Cheryl Holland and Cheryl Heather Gelford Holland;

6 2. Ordering Cheryl Gelford Holland, also known as Cheryl Holland and  
7 Cheryl Heather Gelford Holland to pay the Board the reasonable costs of the investigation and  
8 enforcement of this case, pursuant to Code section 125.3; and,

9 3. Taking such other and further action as deemed necessary and proper.

10  
11 DATED: 8/4/09

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13   
14 LOUISE R. BAILEY, M.Ed., R.N.  
15 Interim Executive Officer  
16 Board of Registered Nursing  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant  
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# EXHIBIT A

**EXHIBIT A**  
**Consent Agreement**



# Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

CERTIFIED TO BE A TRUE COPY

*Emily Brown*

OHIO BOARD OF NURSING

## CONSENT AGREEMENT

BETWEEN

**CHERYL HOLLAND, R.N., C.R.N.A.**

AND

**OHIO BOARD OF NURSING**

RECEIVED  
08 OCT 20 PM 3:00  
BOARD OF NURSING  
OHIO

This Consent Agreement is entered into by and between **CHERYL HOLLAND, R.N., C.R.N.A.** (**MS. HOLLAND**) and the Ohio Board of Nursing (Board), the state agency charged with enforcing Chapter 4723. of the Ohio Revised Code (ORC), and all administrative rules promulgated thereunder.

**MS. HOLLAND** voluntarily enters into this Consent Agreement being fully informed of her rights under Chapter 119, ORC, including the right to representation by legal counsel and the right to a formal adjudicative hearing on the issues considered herein.

This Consent Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

### BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4723.28, ORC, to deny, permanently revoke, revoke, suspend, or place restrictions on any license issued by the Board; reprimand or otherwise discipline a licensee; or impose a fine of five hundred dollars (\$500.00) or less per violation. Section 4723.28(B)(9), ORC, authorizes the Board to discipline a licensee for habitual indulgence in the use of controlled substances, other habit-forming drugs, or alcohol or other chemical substances to an extent that impairs ability to practice. Section 4723.28(B)(10), ORC, authorizes the Board to discipline a licensee for impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care because of habitual or excessive use of drugs, alcohol, or other chemical substances that impair the ability to practice. Section 4723.28(B)(19), ORC, authorizes the Board to discipline a licensee for failure to practice in accordance with acceptable and prevailing standards of safe nursing care. Section 4723.28(B)(25), ORC, authorizes the Board to discipline a licensee for failure to comply with the terms and conditions of participation in the chemical dependency monitoring program established under Section 4723.35, ORC. Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Rule 4723-6-03(A), Ohio Administrative Code, requires a participant in the Alternative Program for Chemical Dependency to comply with all of the terms and conditions of the participant's agreement with the Alternative Program for Chemical Dependency for the time period specified in the agreement.

- B. **MS. HOLLAND's** license to practice nursing as a registered nurse, RN-150206, and certificate of authority to practice as a registered nurse anesthetist, NA-00855, in the State of Ohio, are inactive. **MS. HOLLAND** was initially issued a license to practice as a registered nurse in 1977 and a certificate of authority to practice as a registered nurse anesthetist in 1997.
- C. **MS. HOLLAND** knowingly and voluntarily admits to the following:
- (1) On or about November 28, 2007, while employed as a Certified Registered Nurse Anesthetist (CRNA) by Kettering Anesthesia Associates and working at the Dayton Eye Surgery Center in Dayton, Ohio, **MS. HOLLAND** smelled of alcohol. **MS. HOLLAND** denied consuming alcohol at work, but admitted that she consumed alcohol late the previous night. No other signs of impairment or practice issues were reported. **MS. HOLLAND** voluntarily made her nursing license and CRNA certificate inactive on January 3, 2008.
  - (2) **MS. HOLLAND** reported that she previously completed residential chemical dependency treatment at Hazelden in Minnesota in February 2005, but relapsed after four months. **MS. HOLLAND** underwent assessments at Evergreen Counseling Associates in Dayton, Ohio, on January 24, 2008, and at Greene Memorial Hospital, Greene Hall Outpatient in Xenia, Ohio, on February 5, 2008, and was diagnosed with Alcohol Dependence. **MS. HOLLAND** successfully completed the intensive outpatient and aftercare programs at Greene Hall Outpatient in July 2008, and was discharged.
  - (3) On April 2, 2008, effective through April 2, 2012, **MS. HOLLAND** entered into an Alternative Program Participant Agreement (Agreement) with the Board's Alternative Program for Chemical Dependency (Program).
    - (a) On June 23, 2008, **MS. HOLLAND** had a positive screen for Ethyl Glucuronide at 457 ng/mL. **MS. HOLLAND** denied consuming alcohol and attributed the positive screen to use of hair and skin products containing alcohol, in violation of the Agreement.
    - (b) On August 12, 2008, **MS. HOLLAND** reported to her Monitoring Agent that she relapsed on alcohol, in violation of her Agreement, and was arrested for Operating a Vehicle Under the Influence of Alcohol on August 11, 2008, in Springboro, Ohio. Upon being stopped by police on August 11, 2008, **MS. HOLLAND** underwent a Breathalyzer and had a Breath Alcohol Content of .176.
    - (c) On August 22, 2008, **MS. HOLLAND** was terminated from the Alternative Program based on her noncompliance with the terms and conditions of her Agreement.

### AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, **MS. HOLLAND** knowingly and voluntarily agrees with the Board to the following terms, conditions, and limitations: **MS. HOLLAND's license to practice nursing as a registered nurse shall remain inactive for a minimum period of six (6) months and until she meets the requirements for re-activation and obtains approval from the Board or its designee.** **MS. HOLLAND's license and certificate shall be suspended indefinitely.** Such suspension shall be stayed, subject to the following PROBATIONARY terms, conditions, and limitations for a minimum period of three (3) years:

1. **MS. HOLLAND** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HOLLAND** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **MS. HOLLAND** agrees that she will submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. HOLLAND**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. HOLLAND's** criminal records check reports to the Board. **MS. HOLLAND's** completed criminal records check, including the FBI check, must be been received by the Board within three (3) months prior to requesting re-activation of her license.

#### **Monitoring of Rehabilitation and Treatment**

4. **MS. HOLLAND** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HOLLAND's** history of chemical dependency and recovery status. **MS. HOLLAND** shall self-administer prescribed drugs only in the manner prescribed.
5. **MS. HOLLAND** shall abstain completely from the use of alcohol.
6. For a minimum, continuous period of six (6) months immediately prior to re-activating her nursing license and continuing throughout the probationary period, **MS. HOLLAND** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. HOLLAND** shall be negative, except for substances prescribed, administered, or dispensed to her by another so



authorized by law who has full knowledge of **MS. HOLLAND's** history of chemical dependency and recovery status.

- a. Within thirty (30) days prior to **MS. HOLLAND** initiating drug screening, **MS. HOLLAND** shall provide a copy of this Consent Agreement to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. HOLLAND**.
  - b. After initiating drug screening, **MS. HOLLAND** shall be under a continuing duty to provide a copy of this Consent Agreement, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, **MS. HOLLAND** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
7. For a minimum, continuous period of six (6) months immediately prior to re-activating her nursing license and continuing throughout the probationary period, **MS. HOLLAND** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program. **MS. HOLLAND** shall provide satisfactory documentation of such attendance to the Board every six (6) months beginning prior to requesting re-activation of her license.
8. Within six (6) months prior to requesting re-activation her nursing license, **MS. HOLLAND** shall, at her own expense, seek an evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. HOLLAND** shall provide the professional with a copy of this Consent Agreement. Further, **MS. HOLLAND** shall execute releases to permit the professional to obtain any information deemed appropriate and necessary for the evaluation. The professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. HOLLAND's** license to practice, and stating whether **MS. HOLLAND** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
9. **MS. HOLLAND** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the professional described above until released. Further, **MS. HOLLAND** agrees that the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, limitations on **MS.**

**HOLLAND's** license and that the terms, conditions, and limitations shall be incorporated in an addendum to this Consent Agreement.

10. **At anytime upon request by the Board or its designee and within thirty (30) days of the request, MS. HOLLAND** shall, at her own expense, seek a chemical dependency and/or psychiatric evaluation from a Board approved evaluator and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. HOLLAND** shall provide the evaluator with a copy of this Agreement and shall execute releases to permit the evaluator to obtain any information deemed appropriate and necessary for the evaluation. The evaluator shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. HOLLAND's** license, and whether **MS. HOLLAND** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
11. **If an evaluation is requested, MS. HOLLAND** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional/psychiatrist until released. Further, **MS. HOLLAND** agrees that the Board may use the evaluator's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. HOLLAND's** license and that the terms, conditions, and limitations shall be incorporated by an addendum to this Consent Agreement.

#### **Employment Conditions**

12. **MS. HOLLAND** shall notify the Board, in writing, of the name and address of any employer prior to beginning work in any position requiring a nursing license.
13. **MS. HOLLAND** is under a continuing duty to provide a copy of this Consent Agreement to any employer prior to beginning work in any position requiring a nursing license and to any new employer prior to accepting employment. **MS. HOLLAND** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis beginning within thirty (30) days of beginning work as a nurse. **MS. HOLLAND** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Consent Agreement, including the date the Consent Agreement was received.

#### **Reporting Requirements of Licensee**

14. **MS. HOLLAND** shall report to the Board, in writing, any violation of this Consent Agreement within thirty (30) days of the occurrence of the violation.

15. **MS. HOLLAND** shall sign release of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
16. **MS. HOLLAND** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
17. **MS. HOLLAND** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
18. **MS. HOLLAND** shall submit the reports and documentation required by this Consent Agreement on forms specified by the Board. All reporting and communications required by this Consent Agreement shall be made to the Compliance Unit of the Board.
19. **MS. HOLLAND** shall submit the reports and documentation required by this Consent Agreement or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
20. **MS. HOLLAND** shall verify that the reports and documentation required by this Consent Agreement are received in the Board office.
21. **MS. HOLLAND** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.

#### Nursing Refresher Course

Upon request by the Board or its designee, **MS. HOLLAND** shall, prior to working in a position where a nursing license and/or certificate of authority is required, complete and submit satisfactory documentation of completion of a nursing refresher course or an extensive orientation approved in advance by the Board or its designee.

#### Restriction on Certificate of Authority

**MS. HOLLAND's** certificate of authority to practice as a Certified Registered Nurse Anesthetist (CRNA) in Ohio shall remain inactive for a minimum period of six (6) months after **MS. HOLLAND's** nursing license is re-activated and while **MS. HOLLAND** is working in a position for which a nursing license is required. **MS. HOLLAND** shall obtain approval from the Board or its designee prior to reactivating her certificate of authority to practice as a CRNA.

### Temporary Narcotic Restrictions

MS. HOLLAND shall not administer, have access to, or possess (except as prescribed for MS. HOLLAND's use by another so authorized by law who has full knowledge of MS. HOLLAND's history of chemical dependency and recovery status) any narcotics, other controlled substances, or mood altering drugs for a minimum period of six (6) months in which MS. HOLLAND is working in a position that requires a nursing license. At any time after the six-month period previously described, MS. HOLLAND may submit a written request to the Board to have this restriction re-evaluated. In addition, MS. HOLLAND shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. MS. HOLLAND shall not call in or order prescriptions or prescription refills.

### Temporary Practice Restrictions

Unless otherwise approved in advance by the Board or its designee, MS. HOLLAND shall not practice nursing as a registered nurse or CRNA (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage MS. HOLLAND to provide nursing services for fees, compensation, or other consideration or as a volunteer.

Unless otherwise approved in advance by the Board or its designee, MS. HOLLAND shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include but are not limited to the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

### FAILURE TO COMPLY

MS. HOLLAND agrees that her license to practice nursing as a registered nurse and certificate of authority to practice as a CRNA will be automatically suspended if it appears to the Board that MS. HOLLAND has violated or breached any terms or conditions of the Consent Agreement. Following the automatic suspension, the Board shall notify MS. HOLLAND via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, MS. HOLLAND may request a hearing regarding the charges.

The above described terms and conditions shall constitute "restrictions placed on a license" for purposes of Section 4723.28(B), ORC. If, in the discretion of the Board, MS. HOLLAND appears to have violated or breached any terms or conditions of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

#### DURATION/MODIFICATION OF TERMS

The terms, limitations and conditions of this Consent Agreement may be modified or terminated, in writing, at any time upon the agreement of both **MS. HOLLAND** and the Board.

The Board may only alter the probationary period imposed by this Consent Agreement if: (1) the Board determines that **MS. HOLLAND** has complied with all aspects of this Consent Agreement; and (2) the Board determines that **MS. HOLLAND** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. HOLLAND** and review of the reports as required herein. Any period during which **MS. HOLLAND** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Consent Agreement.

#### ACKNOWLEDGMENTS/LIABILITY RELEASE

**MS. HOLLAND** acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

**MS. HOLLAND** waives all of her rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

**MS. HOLLAND** waives any and all claims or causes of action she may have against the Board, and its members, officers, employees and/or agents arising out of matters that are the subject of this Consent Agreement.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, ORC. The information contained herein may be reported to appropriate organizations, data banks and governmental bodies.

This Consent Agreement is not an adjudication order as discussed in Chapter 119, ORC. Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedures Act, Chapter 119, ORC.

Cheryl Holland, R.N., C.R.N.A.  
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EFFECTIVE DATE

MS. HOLLAND understands that this Consent Agreement is subject to ratification by the Board prior to signature by the Board President and shall become effective upon the last date of signature below.

Cheryl Holland CRNA  
CHERYL HOLLAND, R.N., C.R.N.A.

10-17-08  
DATE

Lisa Klenke, MBA, RN  
LISA KLENKE, President  
Ohio Board of Nursing

11-21-08  
DATE